

Jeffrey A. Nein
(703) 456-8103
jnein@cooley.com

BY HAND DELIVERY

December 10, 2009

Stephen Gardner
Project Manager
Loudoun County Department of Planning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177



RE: ZMOD 2008-0010, Ashburn Village Shopping Center Comprehensive Sign Plan

Dear Stephen:

This letter includes our response to the staff review comments we have received regarding the second submission of the sign plan application. Enclosed please find 5 copies of the revised sign plan, which includes a revised Statement of Justification.

The staff review comments are addressed below. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

Zoning Administration, Department of Building and Development: Response to 20 comments dated 9/23/09.

1-9. After additional review Zoning staff has determined that the subject properties are zoned PD-H4 and are administered as PD-CC-CC (Planned Development – Commercial Center – Community Center) under the Revised 1993 Loudoun County Zoning Ordinance ("Ordinance"), pursuant to Section 4-106 (A). This change does not impact the ability of the applicant to request any of the proposed Zoning Modifications, but will need to be reflected in the Comprehensive Sign Plan. The matrix needs to be revised to change the PD-CC (RC) designation to PD-CC(CC), and the Zoning Ordinance citations revised as follows:

- 1. Exhibit 1A: Will now be requesting modification of Section 5-1204(D)(3)(c).*
- 2. Exhibit 1B: Will now be requesting modification of Section 5-1204(D)(3)(c).*
- 3. Exhibit 2A: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 4. Exhibit 2B: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 5. Exhibit 2C: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 6. Exhibit 2D: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 7. Exhibit 2E: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 8. Exhibit 2F: Will now be requesting modification of Section 5-1204(D)(3)(d).*
- 9. Exhibit 4A: Will now be requesting modification of Section 5-1204(D)(3)(d).*

Response: The matrix has been revised to change the PD-CC(RC) designation to PD-CC(CC), and to revise the Zoning Ordinance citations accordingly.

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10. *Exhibit 1A and 1B are both for PD-CC(CC) Entrance Signs. The Ordinance does not differentiate between primary and secondary Entrance Signs. Exhibit 1A and 1B need to be combined to reflect the proposed maximum of 5 Entrance Signs.*

Response: The matrix and exhibits have been revised accordingly. The proposed primary and secondary entrance signs are now all set forth in one category and shown in Exhibit 1A.

11. *The applicant is requesting multiple Tenant Sign modifications (Exhibits 2A, 2B, 2C, 2D, 2E, and 2F). Provide a total maximum number of Tenant Signs for the site.*

Response: The total number of tenant signs of each type will depend upon the number of tenants in each category. The number of tenants in each category will vary from time to time, depending upon factors such as building locations and configurations, number of tenants and types of uses. Note number 11 has been added on page 22 of the plan to address this issue.

12. *Exhibit 3A proposes modifications to two different sign types. The matrix only states the Ordinance requirements for one sign type. Revise the matrix to correctly show the Ordinance requirements.*

Response: The matrix has been revised accordingly.

13. *Exhibit 3C proposes a sign type that is not listed in the Ordinance ("Restaurant Directional Signs"). Signs not listed or otherwise provided for in Section 5-1204(D) are not permitted. Remove these signs from the plan.*

Response: The plan has been revised to remove proposed sign type 3C.

14. *3A, 3B, 3C, 4A, 5A, 6A, and 6B all propose different sign types for the same locations. Only one sign type is permitted for each building pad – multiple signs cannot be approved for all locations. The applicant is requesting Restaurant, Child Care Center, Auto Service Station, and Tenant Signs for the same building pads. This needs to be revised.*

Response: Applicant intends that the signage at each one of these locations at any one time would depend upon the use in occupancy at that time. The comprehensive sign location plan on page 19 has been revised to clarify this intent.

15. *7A, Community Directional Signs: Community Directional Signs may not contain specific business names because it is considered to be advertising, which is prohibited. Revise the proposed signs to delete specific business names.*

Response: Sign type 7A has been deleted from the plan.

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16. *7B proposes up to four Directional Signs for multiple building pads, which could potentially result in an excessive number of Directional Signs on the site. Provide a maximum number of Directional Signs proposed.*

Response: In contrast to the proposed plan, the current ordinance places no limit on the number of permitted directional signs. Applicant believes that four directional signs per pad is not excessive.

17. *Revise Exhibit 8A to show the locations of proposed signs. Real Estate Signs may only be located on the actual land or structure which is for sale or lease. Provide a maximum number of Real Estate Signs proposed.*

Response: The plan has been revised to limit the number of 8A signs to six throughout the site at any one time.

18. *Temporary Signs are not permitted for commercial use. Balloons, banners, pennants, or inflated devices with the intent to draw attention to a place of business are not permitted, pursuant to Section 5-1202(A)(5) of the Ordinance. This requirement may not be modified. Remove the Temporary Signs proposed in Exhibit 9A.*

Response: Sign type 9A has been removed from the plan.

19. *Section 51202(E), Modification to Sign Regulations, states that a request for sign modifications shall include the submission of a Comprehensive Sign Package that clearly addresses how the proposed requirements satisfy the public purpose to an equivalent degree. The package as submitted is not comprehensive in that it does not include all of the parcels within the PD-CC(CC) District.*

Response: Applicant acknowledges that the owner of one small parcel within the shopping center has elected not to participate in this plan, but Applicant maintains that owner's absence does not alter the comprehensive nature of the proposed plan.

20. *Section 5-1202(4) prohibits illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property. The proposed Entrance Signs are proposed to be "internally or externally illuminated". Please provide lighting details to demonstrate how these proposed signs will not reflect or cast glare onto the adjacent roadway/properties.*

Response: The requirements in Section 5-1202(4) are acknowledged. A sentence incorporating these requirements has been added to the sign specifications on page 23 of the plan. In each individual case, details illustrating compliance with these requirements would be submitted with the sign permit application.

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Community Planning Department of Planning: Response to Nine Comments dated July 15, 2009

1. *According to the application, individual pad sites would be allowed to have up to three building-mounted signs, one freestanding signs, two drive-thru signs, and eight directional signs (total number not specified in the matrix, number based on aggregate square footage) for a total of fourteen signs. Eliminating the freestanding sign and reducing the number of directional signs would be more consistent with the Retail Plan policies.*

Response: Applicant intended to propose four directional signs per individual pad site, not eight. The plan has been revised to clarify that intent. By comparison, the 1993 Sign Ordinance does not limit the number of directional signs. Also, the two drive-thru menu signs are only proposed for restaurants. This is the same number as permitted under the 1993 Sign Ordinance. Applicant proposes up to three building-mounted signs and one freestanding sign. By comparison, the 1993 Sign Ordinance allows a total of three building-mounted and freestanding signs in any combination, so, while applicant is proposing to raise this total to four, applicant is also proposing to limit the number of freestanding signs to one. In summary, Applicant believes that its proposed plan properly addresses this staff concern, in part by proposing to reduce the number of allowable ground-mounted signs, as compared to the 1993 Sign Ordinance

2. *The drive-thru signs being proposed are five times larger than what is permitted in the Zoning Ordinance and they are not in scale with the buildings. Staff also questions the need for two drive-thru signs for each restaurant.*

Response: The proposed maximum sign size has been reset at 75 square feet, to be more consistent with existing drive-thru menu signage on the site. A second drive-thru menu sign promotes more efficient customer flow in the drive-thru lane. Many restaurants prefer using a second drive-thru menu sign precisely for this reason. Applicant notes that the 1993 Sign Ordinance permits two drive-thru menu signs per use.

3. *The Giant grocery store proposes a total of eight signs, three for Giant and five for subtenants. Five subtenant signs is excessive.*

Response: This tenant's prototypical sign criteria have been revised since this application was initially filed in 2008. Accordingly, the proposed signage in type 2A has now been revised to incorporate the tenant's current criteria. As revised, type 2A would only allow two subtenant signs. In addition, the revised criteria significantly reduce the total allowable aggregate square footage of all signs.

4. *Staff questions the need for end cap units to have three building-mounted signs. The sign shown on the rear of the building could be eliminated.*

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Response: Applicant believes it is very important to retain the flexibility and ability to install a sign on any of three sides of an endcap space. As illustrated on the overall sign location plan, several of the existing endcaps face street frontages, site entrances and parking lots on three sides.

5. *It is noted that some of the directional signs propose advertising which may not be allowed in the Zoning Ordinance even through modification. Staff defers to the Zoning Department on this issue. Further, the amount of directional signage proposed is unnecessary as a site visit by staff revealed that all buildings in the shopping center were adequately visible to both pedestrian and vehicular traffic.*

Response: Sign types 3C and 7A have been removed from the plan.

6. *Clarification is needed as to the type of Real Estate signs being proposed. It appears that each in-line building would be allowed two monument style signs and each pad site allowed one monument style sign (fourteen signs). This is an excessive number of freestanding monument signs.*

Response: The plan has been revised to limit the number of type 8A signs to six anywhere on the site at any one time.

7. *The application proposes temporary signage in the form of balloons, banners, pennants and inflated devices which is prohibited in the Zoning Ordinance. Staff defers to the Zoning Department on this issue.*

Response: Sign type 9A has been removed from the plan.

8. *The application is proposing that each tenant will have two flush-mounted building signs and one under the canopy sign. The application does not provide adequate justification as to the need for each tenant to have three signs.*

Response: The 1993 Sign Ordinance allows three signs for each of these tenants. Applicant is not proposing to reduce that number.

9. *An increase in signage for second floor tenants has also been requested. A general building identification sign is proposed along with a sign for each tenant on the second floor. Staff has concerns with the amount of signage proposed for the office portion of the building as it is unclear how many tenants could be located on the second floor. Signage should identify the building not each individual tenant.*

Response: The plan has been revised to clarify that there would be a limit on the total number of signs allowed. Applicant believes that this clarification should address staff's concern.

At our meeting on October 21, 2009, we discussed a comparison between the number of signs of each type that would be allowed under Applicant's proposed plan, and the corresponding



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number of each type that would be allowed under the 1972 Zoning Ordinance (the 1972 Zoning Ordinance governed signs in this shopping center through June 2008). Under the 1972 Zoning Ordinance, each tenant in the center was allowed up to three individual signs. Under the proposed plan, the large majority of tenants would not be allowed more than three signs. Each endcap tenant, however, would be allowed one additional building-mounted sign (an under-canopy blade sign). Each pad building tenant would be allowed one additional sign, but, in return, would each pad building tenant would be limited to one freestanding sign. The anchor tenant, Giant, would be allowed signs consistent with its prototype criteria. Also, under the 1972 Zoning Ordinance, the center was allowed one freestanding project identification sign; under the 1993 Zoning Ordinance, it is allowed three such signs. Under the proposed plan, the center would be allowed two primary identification signs and three secondary identification signs, with one sign located at each of the five entrances to the center.

In summary, we believe this response letter and the revised sign plan fully address staff's review comments.

Please do not hesitate to contact me if you have any questions or if you require any additional information.

Very truly yours,

Cooley Godward Kronish LLP

A handwritten signature in black ink, appearing to read "Jeffrey A. Nein". The signature is stylized with a large, sweeping initial "J" and "N".

Jeffrey A. Nein, AICP
Senior Land Use Planner

cc: Brian Downie, Vice President, Saul Centers, Inc.

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